

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte GLEN D. WILK, ROBERT M. WALLACE
and BERINDER P.S. BRAR

Application No. 09/176,422

MAILED

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on November 1, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

The statement of the grounds of rejection in the Examiner's Answer (Paper No. 17, filed September 17, 2002) is improper. The statement of rejection refers to two different Office actions. In accordance with MPEP § 1208:

(A) Examiners may incorporate in the answer their statement of the grounds of rejection merely by reference to the final rejection (or a single other action on which it is based, MPEP § 706.07). Only those statements of grounds of rejection appearing in a single prior action may be incorporated by reference. An

examiner's answer should not refer, either directly or indirectly, to more than one prior Office action. (Emphasis added).

Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner to correct the statement of rejection and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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